

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 19 be amended to read as follows:

- 1 Page 7, between lines 37 and 38, begin a new paragraph and insert:
- 2 "SECTION 2. IC 6-1.1-12.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2008 (RETROACTIVE)]:
- 5 **Chapter 12.5. Assessment Phase-in Deduction**
- 6 **Sec. 1. For purposes of this chapter:**
- 7 (1) "enlarge" means to add floor area;
- 8 (2) "rehabilitate" means to remodel, repair, or improve in any
- 9 manner; and
- 10 (3) "residential property" means real property improvements
- 11 assessed as residential property under the rules of the
- 12 department of local government finance.
- 13 **Sec. 2. (a) Subject to subsection (d) and section 3 of this chapter,**
- 14 **a taxpayer that:**
- 15 (1) rehabilitates; or
- 16 (2) enlarges;
- 17 **residential property for which the taxpayer is liable for property**
- 18 **taxes is entitled to a deduction from the assessed value of the**
- 19 **residential property.**
- 20 **(b) A deduction under this section is available in:**
- 21 (1) the year after 2007 in which the rehabilitation or
- 22 enlargement of the residential property first results in an
- 23 increased assessed value of the residential property; and
- 24 (2) the immediately succeeding two (2) years.

(c) The amount of the deduction that a taxpayer may receive for:

(1) the year referred to in subsection (b)(1) equals the product of:

(A) the increased assessed value for that year resulting from the rehabilitation or enlargement of the residential property; multiplied by

(B) seventy-five percent (75%);

(2) the first year referred to in subsection (b)(2) equals the product of:

(A) the increased assessed value of the residential property determined under subdivision (1)(A) as adjusted under:

(i) IC 6-1.1-4-4; or

(ii) IC 6-1.1-4-4.5; multiplied by

(B) fifty percent (50%); and

(3) the second year referred to in subsection (b)(2) equals the product of:

(A) the increased assessed value of the residential property determined under subdivision (1)(A) as adjusted under:

(i) IC 6-1.1-4-4;

(ii) IC 6-1.1-4-4.5; or

(iii) both IC 6-1.1-4-4 and IC 6-1.1-4-4.5; multiplied by

(B) twenty-five percent (25%).

(d) A property owner that qualifies for a deduction for a year under:

(1) this section; and

(2) another statute;

based on the same rehabilitation or enlargement of a residential property may not receive a deduction for that rehabilitation or enlargement of the property under both statutes for that year.

(e) A taxpayer that desires to claim a deduction under this section must file a statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the residential property is located. Except as provided in subsection (f) or (g), the statement must be filed during the twelve (12) months before June 11 of each year for which the taxpayer wishes to obtain the deduction. A statement under this subsection may be filed in person or by mail. A mailed statement must be postmarked on or before the last day for filing.

(f) If notice of the addition to assessed value for any year that results from rehabilitation or enlargement of the residential property is not given to the taxpayer before May 11 of that year, the statement required by this section may be filed not later than thirty (30) days after the date the notice is mailed to the taxpayer.

(g) If:

(1) notice of the addition to assessed value for any year that results from rehabilitation or enlargement of the residential

property is not given to the taxpayer before a tax statement for the property is mailed to the taxpayer under IC 6-1.1-22; and

(2) the tax statement takes that addition into account; the statement required by this section may be filed not later than thirty (30) days after the date the tax statement is mailed to the taxpayer.

(h) If a taxpayer claims a deduction under subsection (g):

(1) the taxpayer is not required to pay the amount due on the tax statement referred to in subsection (g); and

(2) the penalty under IC 6-1.1-37-10 does not apply.

(i) The county auditor shall determine the amount of the deduction under this section and inform the county treasurer of the amount of each deduction allowed. After the county auditor informs the county treasurer of the amount of the deduction allowed based on a claim filed under subsection (g), the county treasurer shall mail to the taxpayer a tax statement that takes into account the amount of any deduction allowed.

Sec. 3. If ownership of the residential property changes:

(1) the deduction provided under this chapter continues to apply to the residential property; and

(2) the amount of the deduction is:

(A) the percentage under section 2(c)(1)(B), 2(c)(2)(B), or 2(c)(3)(B) of this chapter that would have applied if the ownership of the residential property had not changed; multiplied by

(B) the assessed value of the residential property, as determined and adjusted under section 2 of this chapter, for the year the new owner is entitled to the deduction.

Sec. 4. The department of local government finance shall adopt rules under IC 4-22-2 to implement this chapter."

Page 78, between lines 4 and 5, begin a new paragraph and insert: "SECTION 70. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] IC 6-1.1-12.5, as added by this act, applies only to property taxes first due and payable after December 31, 2008."

Renumber all SECTIONS consecutively.

(Reference is to ESB 19 as printed February 22, 2008.)

Representative Day